

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LISA BATEY-KOLEGAS,

Plaintiff,

v.

COMENITY

.

Defendant.

Case No. 1:17-cv-02342

Honorable Judge Amy J. St. Eve

JOINT INITIAL STATUS REPORT

Pursuant to Fed. R. Civ. P. 26(f) and this Court's standing order, the Plaintiff submits the following Initial Status Report.

I. The Nature of the Case

A. Attorneys of Record

1. Plaintiff Lisa Batey-Kolegas ("Plaintiff")

Omar T. Sulaiman (lead attorney)
Ahmad T. Sulaiman
Mohammed O. Badwan
Sulaiman Law Group, Ltd.
900 Jorie Blvd., Ste. 150
Oak Brook, IL 60523

2. Comenity Bank ("Comenity")

Anna-Katrina S. Christakis (lead attorney)
Jennifer L. Majewski
Pilgrim Christakis LLP
321 North Clark Street
26th Floor
Chicago, IL 60654

B. Jurisdiction

1. Federal Statutes

Federal question jurisdiction is based on the Telephone Consumer Protection Act (“TCPA”) pursuant to 47 U.S.C. §227. The Court has supplemental jurisdiction over the state law Illinois Consumer Fraud and Deceptive Business Practices Act (“ICFA”) claim under 28 U.S.C. §1367.

C. Nature of Claims

Plaintiff’s claims are founded upon the alleged improper collection activities relating to a debt that was incurred by Plaintiff (“subject debt”). Plaintiff alleges that from February 2016 through April 2016, Comenity placed no less than 35 calls to Plaintiff’s cellular phone using an automatic telephone dialing system without her consent. The major factual and legal issues will be whether Defendant’s alleged conduct in attempting to collect the subject debt through phone calls to Plaintiff’s cellular phone violates the TCPA and ICFA.

D. Relief Sought by Plaintiff

Plaintiff is seeking (a) statutory damages pursuant to the TCPA, (b) actual and punitive damages pursuant to ICFA in an amount to be determined at trial, and (c) such other relief as the Court deems just and appropriate.

II. Pending Motions and Case Plan

A. Pending Motions

None.

B. Discovery Plan

- i.** The Plaintiff anticipates both written and oral discovery.
- ii.** Parties to exchange Rule 26(a)(1) disclosures by May 26, 2017.
- iii.** Parties to issue written discovery by July 28, 2017.
- iv.** Fact discovery to be completed by November 24, 2017.
- v.** Plaintiff anticipates that there might be expert discovery with respect to the telephone system employed by Defendant to place calls to Plaintiff. The parties may

request a status conference at or near the close of fact discovery to inform the court whether expert discovery will be needed.

vi. Assuming no expert discovery will be needed, dispositive motions to be filed by January 5, 2018.

C. Discovery may encompass electronically stored information (“ESI”). The Plaintiff acknowledges his obligation to take reasonable and proportionate steps for preserving relevant and discoverable ESI within their possession, custody, or control. The Plaintiff acknowledges, further, that requests for ESI, and responses to those requests, must be reasonably targeted, clear, and as specific as practicable.

D. Trial

1. Jury trial has been requested.
2. Estimated two (2) to four (4) day trial.

III. Consent to Proceed Before a Magistrate.

The parties do not consent to proceed before a magistrate.

IV. Status of Settlement Discussions

- A. The Parties have commenced settlement discussions and believe that settlement is possible within the month of May.
- B. The parties do not request a settlement conference at this time.

Dated: May 3, 2017

LISA BATEY-KOLEGAS

By: /s/ Omar T. Sulaiman

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COMENITY BANK,

By: /s/ Jennifer L. Majewski

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